

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 20056
[REDACTED],)	
)	DECISION
Petitioners.)	
_____)	

On January 18, 2007, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayers) proposing income tax, penalty, and interest for taxable years 2000 through 2005 in the total amount of \$8,970.

The taxpayers filed a timely appeal. They did not request a hearing. The Tax Commission has reviewed the file and hereby issues its decision based upon the information contained in the file.

Because Tax Commission records showed the taxpayers met the state income tax filing requirements and had not filed their Idaho returns for 2000 through 2005, the Bureau attempted to contact them for clarification. The taxpayers did not respond.

[Redacted] Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency -- Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the

determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

The Bureau prepared a NODD advising the taxpayers of the determination of Idaho individual income tax, penalty, and interest due from them. The taxpayers appealed the determination. The taxpayers said they did not file their returns timely because they did not have the amount to pay the money due. They explained that later, when they obtained the money, their son became ill. They used the money for that crisis instead of paying their income taxes. They indicated they would now like to submit returns.

The Bureau sent the taxpayers a letter acknowledging their protest. They were allowed additional time. However, when the promised returns did not arrive, the taxpayers' file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayers did not respond to a letter advising them of their rights regarding their appeal.

The Bureau computed the taxpayers' Idaho income tax responsibility using the same filing status of married filing jointly with five exemptions [Redacted]. Withholding was allowed to offset a portion of each year's tax due (\$1,117 for 2000; \$783 for 2001; \$749 for 2002; \$1,227 for 2003; and \$1,356 for 2005. The interest and penalty added by the Bureau pursuant to Idaho Code §§ 63-3045 and 63-3046 were reviewed and found to be proper and in accordance with Idaho Code.

Subsequent to filing their appeal, the taxpayers submitted their 2004 Idaho individual income tax return with full payment. That return is accepted as filed subject to review at a later date pursuant to Idaho Code. The NODD for 2004 is canceled.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having

presented no information in support of their argument, the taxpayers have failed to meet their burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated January 18, 2007, is hereby MODIFIED and, as so modified, is APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that Milton and Lesia Harris pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2000	\$ 757	\$189	\$308	\$1,254
2001	549	137	181	867
2002	1,233	308	327	1,868
2003	682	171	145	998
2005	2,287	322	211	<u>2,820</u>
			TOTAL DUE	\$7,807

Interest is computed through September 15, 2007.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayers' right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2007.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this ____ day of _____, 2007, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]

Receipt No.